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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,893	03/29/2001	Yasushi Kawakura	20441 IUS-2 RD	5382

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EXAMINER

HAVAN, THU THAO

ART UNIT PAPER NUMBER

3624

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/819,893

Applicant(s)

KAWAKURA ET AL.

Examiner

Thu Thao Haven

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/27/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/29/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **Detailed Action**

### ***Drawings***

The Examiner accepts the drawings filed on March 27, 2001.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1-21** are rejected under 35 U.S.C. 102(e) as being anticipated by Brett (US 6,907,405).

Re claims **1** and **20**, Brett teaches a server computer for electronically introducing merchandise information after closing an electrical auction (col. 10, lines 32-47; figs. 1-4), said server computer connected through a network to a plurality of terminals (fig. 1), which participate in an auction (col.1, lines 18-20), said server computer comprising: a merchandise database storing a plurality of merchandise information (figs. 5-8); means for selecting merchandise information from said merchandise database on a basis of provided bid information of a participant (col. 17, lines 32-67); and means for causing to notify the selected merchandise information as alternative merchandise information to a terminal (fig. 19). In

other words, Brett discloses computer controlled auctioning system wherein merchandise information is bidding on tickets. In that when the auction is closed, the bids become fixed and the physical transaction (i.e. merchandise information) can occurred. The system includes the ability for participants to define their own personal bidding sections and to make alternative bids.

Re claims **2, 5, 7, 10-11, and 16-17**, Brett teaches means for extracting preference information on a basis of stored bid information of a bidder and exhibited merchandise information bid on by the bidder (figs. 5-11); and means for selecting merchandise information on a basis of the preference information (col. 17, lines 32-67; co. 18, lines 24-41).

Re claims **3, 6, and 8**, Brett teaches selecting means selects the merchandise information except for a successful bidder (figs. 12-13).

Re claims **4, 9, 12-15, 18, and 21**, Brett teaches a server computer for electronically introducing merchandise information after closing an electrical auction, said server computer connected through a network to a plurality of terminals which participate in an auction, said server computer comprising: an auction execution unit configured to hold an electronic auction, said auction execution unit comprising, a providing module configured to provide exhibited merchandise information for the auction to the terminals, and a receiving module configured to receive bid information, which includes bid information indicating a bidder from the terminals and configured to store the bid information (co. 18, lines 24-41; figs. 1-4); a merchandise database storing a plurality of merchandise information (figs. 5a-8); means for selecting merchandise information from the merchandise database on a basis of the stored bid information of a bidder (col. 17, lines 32-67); and means for causing to notify the selected

Art Unit: 3624

merchandise information as alternative merchandise information to a terminal (fig. 19). In other words, Brett discloses computer controlled auctioning system wherein merchandise information is bidding on tickets. In that when the auction is closed, the bids become fixed and the physical transaction (i.e. merchandise information) can occurred. The system includes the ability for participants to define their own personal bidding sections and to make alternative bids. The bid information record is recorded to the main auction database.

Re claim **19**, Brett teaches a computer storage medium having a computer program code mechanism embedded in the computer storage medium configured to perform (figs. 1 and 5a). A database is a type of storage medium containing information.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schneider, US 2005/0114223

Goldhaber et al., US patent no. 5,794,210

Norman et al, US 2005/0228736

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

Art Unit: 3624

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH  
12/7/2005



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